

## DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I believe I am an original, first and joint inventor of the invention entitled "Water heater With Continuously Variable Air and Fuel Input" described and claimed in the attached specification of U.S. Patent Application Serial No. 09/753,209 filed January 2, 2001. I am making this Declaration on behalf of myself and on behalf of any non-signing joint inventor identified below per 37 CFR §1.47(a).

I have reviewed and understand the contents of the specification, including the claims, in the above-referenced application, as amended by any amendment specifically referred to in the Declaration.

I acknowledge my duty pursuant to 37 C.F.R. §1.56 to disclose information of which I am aware which is material to the patentability of this application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

1. Title of Prior Application: Water Heater With  
Continuously Variable Air and Fuel Input

Application Serial No. 60/175,340

Filing Date of Prior Application: January 10, 2000

2. Title of Prior Application: Water Heater With  
Continuously Variable Air and Fuel Input

Application Serial No. 09/497,573 (subsequently converted to  
provisional No. \_\_\_\_\_)

Filing Date of Prior Application: February 3, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Mark J. Patterson (Reg. No. 30,412)  
I. C. Waddey, Jr. (Reg. No. 25,180)  
Edward D. Lanquist, Jr. (Reg. No. 33,729)  
Lucian Wayne Beavers (Reg. No. 28,183)  
John C. Garvin, Jr. (Reg. No. 20,542)  
Laura K. Thomas (Reg. No. 39,856)  
Emily A. Shouse (Reg. No. 44,336)  
David B. Pieper (Reg. No. 42,998)  
Richard S. Myers, Jr. (Reg. No. 42,022)  
Larry W. Brantley (Reg. No. 46,052)  
Michael J. McCarthy (Reg. No. P-46,910)  
Martha B. Allard (Reg. No. 36,730)  
Guy W. Hensley (Reg. No. 41,831)  
Harold W. Hilton (Reg. No. 21,050)

Customer No. 23456

This attorney is located at our Nashville, Tennessee office and can be contacted directly at:

Lucian Wayne Beavers  
Waddey & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

Full name of Inventor:

David C. Baese

Inventor's signature:

David C Baese

8-7-01

Date

Residence:

3321 Country Ridge Drive  
Antioch, TN 37013

Citizenship:

United States

Post Office Address:

3321 Country Ridge Drive  
Antioch, TN 37013

---

Full name of Inventor:

Barry A. Collins

Inventor's signature:

Barry A Collins

8-7-01

Date

Residence:

418 Barnes Drive  
Lebanon, TN 37087

Citizenship:

United States

Post Office Address:

418 Barnes Drive  
Lebanon, TN 37087

Full name of Inventor:

Mohsen Sarfehjo

Inventor's signature:

\_\_\_\_\_

\_\_\_\_\_  
Date

Residence:

1431 Plymouth Drive  
Brentwood, TN 37027

Citizenship:

United States

Post Office Address:

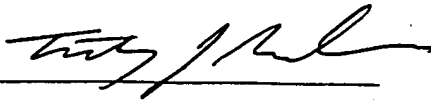
1431 Plymouth Drive  
Brentwood, TN 37027

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Full name of Inventor:

Timothy J. Bodnar

Inventor's signature:

  
\_\_\_\_\_

8/14/01  
Date

Residence:

180 Wallace Road  
Apt. K3  
Nashville, TN 37211

Citizenship:

United States

Post Office Address:

180 Wallace Road  
Apt. K3  
Nashville, TN 37211

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baese, et al  
Serial No.: 09/753,209  
Filed: January 2, 2001  
For: Water Heater With Continuously Variable Air and Fuel  
Input  
Attorney's Docket No. N-5714  
Customer No.: 23456

**NOTICE OF JOINDER BY NON-SIGNING INVENTOR**

To the Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This application has been proceeding under 37 C.F.R. §1.47(a) because one of the inventors, Mr. Mohsen Sarfehjo, had originally refused to cooperate.

Mr. Sarfehjo has now joined in the application, and enclosed is an original DECLARATION AND POWER OF ATTORNEY signed by Mr. Sarfehjo.

Respectfully submitted,



Lucian Wayne Beavers  
Registration No. 28,183  
WADDEY & PATTERSON  
A Professional Corporation  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400  
Attorney for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing NOTICE OF JOINDER BY NON-SIGNING INVENTOR has been mailed via first class mail on the date noted below to:  
Assistant Commissioner for Patents, Washington, DC 20231.

Jan. 30, 2002  
Date

Lucian Wayne Beavers  
Lucian Wayne Beavers

**DECLARATION AND POWER OF ATTORNEY**

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Application Serial No. 09/497,573 (subsequently converted  
to provisional No. 60/304,163)

Filing Date of Prior Application: February 3, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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David C. Baese

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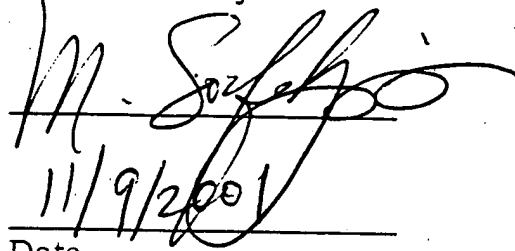
Post Office Address:

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Full name of Inventor:

Mohsen Sarfehjo

Inventor's signature:

  
11/9/2001

Date

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